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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/281,909	03/31/99	DONIG	R 2565/47

023838 IM22/0403  
KENYON & KENYON  
1500 K STREET, N.W., SUITE 700  
WASHINGTON DC 20005

EXAMINER

KIM, S

ART UNIT PAPER NUMBER

1723

DATE MAILED: 04/03/01 *13*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/281,909**

Applicant(s)  
**Donig et al.**

Examiner  
**John Kim**

Group Art Unit  
**1723**



☒ Responsive to communication(s) filed on Mar 19, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 11, 12, 20, and 21 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 11, 12, and 20 is/are rejected.

☒ Claim(s) 21 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,997,502 (hereinafter referred to as Reilly et al.). Reilly et al teach a prefilled syringe (22) with a connector part having a bar code (70) indicating the contents of the syringe and a mounting assembly (23) having an audible and tactile mechanism (64) for detecting and indicating when the syringe and its plunger have essentially rotated into a desired mount position against the stops (30) (see figures 2 and 6; col. 5, line 53 - col. 6, line 53). Claims 11-12 and 20 essentially differ from the apparatus of Reilly et al in reciting that the identifier on the connector is arranged to indicate a position of connector to determine incomplete connection to the dialysis machine. Reilly et al teach that the connector part of syringe can use projections, slots or a dimple located on the connecting part of syringe to accomplish a desired tactile/audible indicating effect when the connector part of syringe is received into the mounting assembly (see col. 5, line 53 - col. 6, line 21). It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Reilly et al with a connecting part having projections, slots or a dimple to indicate a position of connector to determine incomplete connection to a dialysis machine.

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4. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Applicant's arguments with respect to claims 11-12 and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,925,014 teach the use of bar code for indicating contents in a container. U.S. Patent No. 5,311,899 and 5,583,948 and 5,572,992 teach the identifiers for identifying proper connections of connecting parts. U.S. Patent No. 4,869,286 teaches the

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cassette with a bar code for detecting proper insertion of the cassette into an injector mechanism (see col. 9, lines 12-37).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response after final action is (703) 305-3599, and the fax phone number for all other official faxes is (703) 305-7718.

When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

  
John Kim  
Primary Examiner  
Art Unit 1723

J. Kim  
March 29, 2001